

REMARKS

Claims 1-6 were pending in this case according to the cover page of the Office Action of June 16, 2005. However it is noted that Claims 1-7 were filed and all stand rejected. This is moot since all original pending Claims 1-7 are cancelled here in favor of new claims.

This application has been transferred to a new attorney whose (new) docket number appears above. A power of attorney is being submitted in this case under separate cover in favor of the law firm of the undersigned. Even if such has not been yet processed, it is respectfully requested that the Examiner communicate with the law firm of the undersigned. This response is being filed under Rule 34.

Status of Claims

The Examiner rejected all pending Claims 1-7. Claim 7 stands rejected under Section 102 as anticipated by Kannes. The remaining Claims 1-6 stand rejected under Section 103 as inpatentable over Samra further in view of Kannes. The Examiner also cited inter alia Parish International Application publication number WO99/59337, hereinafter Parish. The Examiner did not cite Parish in making any rejections.

Inventive Subject Matter

This application is directed to, in light of the current claims, at least two inventive different aspects. The first, in the context of the combination of video conferencing and collaborative editing of media content, is called here the “talk over” capability. This is the ability to control the level (loudness) of both the program (content) audio produced at the source location and the video conference spoken audio by the other user (at the target location) so that the user at the target can effectively converse with the user at the source location over the video conference system. See paragraph 39 of the specification:

The automated session and volume control panel 260 can automatically increase, decrease or mute the soundtrack of the media content to allow for more realistic conversation between the

source and target operators through the video conferencing system 230. (Emphasis added.)

Further at paragraph 42:

Throughout the review and commenting phase of editing, the target operator and source operator will be additionally personally interacting through the use of a real-time video teleconferencing system 230.

Hence as Examiner understood there is audio transmitted to the target location from both the video conferencing system and the remote editing system. The present inventors have found that this may create confusion since the media content being edited and played back has its own soundtrack (audio) and further the two users, one at the source and the other at the target, at the same time are at the same time conversing over the video conferencing link. This can be very confusing since typically the audio of the media content will be played to the user at the target location at the same time that he is listening to the conversation from the user at the source location.

Hence there is provided the above-described talk over capability which means that the user at the target manipulates the sound level of the soundtrack of the played media content (which is being played from the source) and at the same time independently controls the sound level of the conversation originating from the user at the source. This allows the two users to converse easily while the remote (target) user can still hear the content audio at the desired sound level. As pointed out in paragraph 39, both volume controls are under control of the user at the target even though the content soundtrack is being played from the source. Hence this talk over capability has been found to be quiet useful in the context of video conferencing with remote collaborative editing.

Further, a second inventive aspect in accordance with the present disclosure is remote control of other aspects of the media content playback by the editing system at the source location by the user at the target location. See paragraph 38:

The remote non-linear editing control console 240 provides remote playback control over the media content display 220 and

the source location's media content playback screen 120 by remotely controlling the non-linear editing system 130. The editing control console 240 allows the target operator, such as the director, to move through the media content in a manner similar to a videotape player control, (i.e., start, stop, fast forward, rewind, shuttle/jog, pause, etc.). (Emphasis added.)

This allows the remote (target) user to control the media content playback (audio and/or video) without having the source user perform any actions. This allows the remote user to view (and hear) exactly what he wants from the media content rather than having to give hints, for instance, over the telephone or video conferencing link, to the source location user. Hence this remote control of the playback has been found to be very useful.

References Do Not Disclose These Features

The Examiner cited three references which appear most relevant. The first is Kannes which is a video conferencing system without any media content editing aspect. The Examiner cited Kannes to show what he regards as remote control of audio levels. However it is submitted that whatever remote control is provided in Kannes is different from that in accordance with the present disclosure. In his Action at page 3, the Examiner referred to Kannes column 12, lines 3-13. See also disclosure in Kannes at column 5, lines 20-24 which is possibly more relevant than the column 12 citation. Column 5, beginning line 20 states:

Control console 19 may include controls such as audio volume controls, or controls for switching the assignments of the video signals between different remote module monitors...

Column 12, beginning line 3 states:

In the preferred embodiment in which the system's local module is a courtroom, the judge is preferably provided with a control panel 25.... Switches SW-4, SW-5, and SW-6...are preferably positioned as part of control panel 25. These switches allow the judge to interrupt recording of any or all of the microphone signals.

Therefore it appears that any control here is turning recording on and off (column 12) or a single audio volume level control (column 5).

The Samra reference does not appear to have any video conferencing feature and appears to be largely silent on the issue of volume control.

The third reference Parish discloses both a multimedia editing system and a video conferencing system (see Parish Abstract). However whatever activity happens at the remote location in terms of any collaborative activity does not appear to involve any kind of audio level control from the source. In other words, Parish is silent on this issue of remote audio control.

In terms of the second above identified inventive aspect which is the remote control of media content playback (as distinguished from the above remote control of audio level) Kannes of course is silent on this topic since in Kannes there is no media content editing aspect.

Parish, while disclosing a video conferencing system in conjunction with collaborative editing, does not appear to have any remote control for playback. The most relevant portion appears to be Parish page 16 in the paragraph beginning line 12 which states in pertinent part (last sentence) “In addition, the computer 246 receives the editing system user interface during an editing session so that a director can watch the settings being changed by the editor as the editor makes changes.” (Emphasis added.) In this case the director is identified as the user at the remote location while the editor is the user at the primary location (see Parish page 6, lines 20-24). Hence the “collaborative editing” in the Parish Abstract appears to be limited to the remote user (director) watching what is happening on his computer screen due to actions taken by the editor at the primary (source) location. The director apparently has no ability to control anything but merely is a viewer or spectator of results of actions taken by the editor at the source location. This is emphasized at Parish page 17, beginning line 21 “The editor makes the edits while the others can monitor the nature of the edits by observing the graphical user interface screen that the editor uses to make the edit. After the edits are completed, the newly edited work-piece is replayed for the editing session participants to review the edits, step 330. At this stage, the editing session participants continue to discuss the work-piece via the video-conferencing system, step 322.” (Emphasis added.)

Hence control over playback by the director at the remote (target) location appears to be absent from Parish.

New Claims Distinguish Over References

Applicant has provided new claims based on the original claims. It is believed that these new claims, being directed to subject matter similar that of the original filed claims, are entitled to further examination at this time in the context of the present application. The claims have been rewritten primarily for better clarity and to highlight the above two described inventive aspects to which Claim 1 as filed was directed.

New Claim 8 is a method claim supported by at least originally filed Claim 1. Claim 8 is directed to the remote control of audio levels. Further in accordance with Claim 8, there is the additional video conferencing aspect (spoken audio) in conjunction with the remote control of audio levels to provide the above described talk over capability so that both the conversation between the users and the media content playback are under remote audio control, to allow easy discussion over the video conferencing link while both users are also listening to the replayed audio content (soundtrack). Hence Claim 8 recites in pertinent part “manipulating from the target location a level of the transmitted audio content and manipulating from the target location a level of the transmitted spoken audio, thereby to facilitate conversation between the users.”

As pointed above, no such acts are disclosed in the above three references discussed above. Kannes of course is silent on any media content or associated audio. Parish is silent on control of audio levels. Samra is absent the video conferencing aspect and also does not seem to particularly describe anything having to do with audio. Hence Claim 8 clearly distinguishes thereover.

Moreover it is respectfully submitted that even a combination of these references also does not meet Claim 8. While Kannes does disclose some type of audio control, it appears to be muting or the simple audio level adjustment of the sound level as played at the target location and it is only in the context of video conferencing. Also, Kannes adjusts sound levels at the target, not at the source from the target. The other two references discussed here also fail to meet the additional aspect in Claim 8 of “manipulating from the target location a level of the transmitted audio content;” hence Claim 8 distinguishes over the references as do, at least for the

same reasons, dependent Claims 9-11. Note that new Claim 9 is supported by, e.g., original Claim 3. New Claim 10 is supported by, e.g., original Claim 2.

Additionally, new Claim 11 (reading on the specification paragraph 39 as quoted above) recites “the manipulating of the transmitted audio content includes increasing, decreasing, or muting the audio level.” Again it is not seen where this is shown in any of the references, and thereby Claim 11 further distinguishes thereover. Even if Kannes arguendo discloses manipulating the audio level, this is only in the context of a single control of audio (similar to a volume control). Kannes does not even suggest separately manipulating two audio source levels as in Claim 8 and dependent Claim 11 (whereby the input level may be controlled).

Applicants have also added new apparatus Claim 12 apparatus directed to similar subject matter as Claim 8 and which thereby distinguishes over the references for at least the same reasons as pertain to Claim 8. Claims 13-15 depend on Claim 12 and are allowable for at least the same reason as is base Claim 12. Claims 14-15 are similar to Claims 10 and 11 respectively. Claim 13 is supported by, e.g., original Claim 3.

New Claim 16 is directed to the above described inventive subject matter of remote manipulation of playback of the media content being edited, and is supported at least by original Claim 1. In pertinent part Claim 16 recites “manipulating remotely from the target location the editing system at the source location to control playback of the media.” It is respectfully submitted that no such feature is shown in any of the above three discussed references. Kannes of course is silent on the editing or media aspect. As discussed above, Parish does not provide any such control by the remote user (director) at the target location, who instead must give directions over the telephone or otherwise to the editor who is the sole person in control of playback at the source. See Parish at pages 16 and 17 as quoted above.

The Samra reference has possibly pertinent disclosure at, e.g., columns 11 and 12. See Samra column 11 lines 18-35; lines 49-59; lines 60-column 12, line 24. See column 11, beginning line 28 referring to the sharing of control for the system:

During playback, the director's computer 316 executes the production system in synchronization under control of the graphic artist's computer 302. The director's movement of the slider control in dedicated control panel 318 is sent to the graphic artist's computer 302 so that the clip playback can be changed in accordance with new luminance values based on the movement of the slider.

Further see column 11, beginning line 60:

Parameter box 407 shows parameters in the example for node 404. The primary user can drag-and-drop any of the parameters Red, Green or Blue onto different images of controls for remote user, User3. Each parameter can be assigned to a different one-dimensional control... Where a parameter, or other control, is a momentary indication, such as a pushbutton (e.g., a symbolic button or switch on the primary user's interface) can be dragged and dropped onto a momentary control surface such as a button on dedicated control surface 420...

However Samra does not suggest or recognize that any sort of video conferencing capability be provided together with his editing system. The sharing of controls, etc. appears to be sufficient in the context of Samra to eliminate the need for any sort of video conferencing or other link between the two users. Hence the other aspect of Claim 16 (see final clause of Claim 16) is absent from Samra: "providing a video conference system linking the target and source locations."

The Examiner cited the combination of Kannes with Samra in making the section 103 rejection of Claims 1-6. In suggesting this combination of Kannes and Samra in the Office Action the Examiner stated, see page 5 of Office Action:

It would have been obvious for one skilled in the art, at the time of the invention to learn from Kannes to include a video teleconferencing screen for display of a target operator and a camera positioned to capture the source operator for display at the target location. Kannes discloses an invention, wherein basic video conferencing mechanisms are used for a group of users to communicate with each other, wherein this conferencing system is much like the conferencing system of Samra.

This begs the question of why the Kannes-Samra combination is motivated, and moreover is technically incorrect in characterizing Samra. Samra is a collaborative editing system for editing media content, for instance digital media production. See Samra column 3, lines 24-25. There is no “conferencing” per se in Samra. Instead Samra allows for collaborative use of the same material and in some places common control. See for instance Samra columns 11 and 12, as pointed out above.

Hence Samra is not a “conferencing system” as mischaracterized by the Examiner. Moreover, the Examiner’s suggested motivation for the combination of the Samra and Kannes references begs the question of, where in either reference is the motivation to combine? It is black letter patent law that the prior art must provide a motivation to combine teachings of two references. The Examiner does not cite any source of the motivation to combine other than in the teachings of the two references, but neither reference by itself provides such motivation. The mere fact that there is collaboration involved in both video conferencing and in the Samra editing system would not appear to be sufficient, since collaboration by itself is a common human activity with broad applicability in many fields rather than being a recognized technical field or recognized technical problem. Hence the Examiner’s statement with reference to Kannes (see top of page 6 of Action) that “this [Kannes] conferencing system is much like the conferencing system of Samra”, is (1) not correct and (2) even if correct, fails to provide the legally required motivation for the combination.

Hence if the Examiner were to suggest that the combination of Samra and Kannes meets new Claim 16, the motivation to make such a combination is similarly lacking. Hence such a possible rejection is prima facie inadequate, and so Claim 16 distinguishes thereover.

Claim 17 is dependent upon Claim 16 and reads on the specification paragraph 38 as quoted above, reciting further aspects as to the nature of the remote manipulation of the editing system for playback as “starting, stopping, fast forwarding, rewinding, and pausing the playback.” Claims 17 is allowable for at least the same reasons as is base Claim 16.

New Claim 18 is an apparatus claim directed to subject matter similar of that of Claim 16 relating to the remote control of playback, and hence distinguishes over the references for at least the same reasons as pertain to Claim 16 set forth above.

New Claim 19 is dependent upon Claim 18 and is allowable for at least the same reason as the base claim. New Claim 19 is directed to similar subject matter as dependent Claim 17.

CONCLUSION

Therefore it is respectfully submitted that all pending Claims 8-19 are allowable and allowance thereof is requested. If the Examiner contemplates other action, the Examiner is requested to contact the undersigned at the telephone number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant(s) petition(s) for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing (new) docket no. **590282001400**.

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Respectfully submitted,

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